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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/887,630

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Hans Carlsson

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10/31/2003

COATS & BENNETT, PLLC

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RALEIGH, NC 27602

EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

dl.R

# Office Action Summary

Application No.

09/887,630

Applicant(s)

CARLSSON ET AL.

Examiner

Justin M Philpott

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT-Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 3-8, filed August 14, 2003, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 103(a) as being unpatentable over Aarnio in view of Lim have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Haeggstrom.

### ***Response to Amendment***

2. In view of the Amendment filed August 14, 2003, the specification is no longer objected to.

### ***Information Disclosure Statement***

3. The listing of references in the specification (pages 18 and 19) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

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***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,522,889 to Aarnio in view of U.S. Patent No. 6,167,040 to Haeggstrom.

Regarding claims 1, 5, 9, 13 and 17, Aarnio teaches a method of transmitting a location service message between a location server and a mobile station in a packet network (e.g., see FIG. 1). Specifically, regarding claims 1, 9 and 13, Aarnio teaches transmitting the location service message (e.g., location information, see col. 4, lines 18-27) in a downlink from the location server (e.g., LS 22) to a GPRS network (14), wherein Examiner takes official notice that a GPRS network implicitly comprises a base station subsystem and a serving GPRS support node (see also Applicant's Remarks, August 14, 2003, pages 3-4); and forwarding the location service message from the GPRS network (14) to the mobile station (e.g., MS 12). Additionally, regarding claims 5, 9 and 17, Aarnio teaches transmitting a location service message (e.g., request to identify MS location) between a mobile station and a location server in the opposite direction in an uplink (e.g., from the mobile station to the GPRS network to the location server, see col. 3, lines 40-42).

However, Aarnio may not specifically disclose that within the GPRS network (14), the location message is first forwarded to the base station subsystem and then forwarded to the serving GPRS support node from the base station subsystem in the downlink, and vice versa in the uplink. Applicant similarly asserts, "Aarnio provides no insight as to how the message is handled internally to the GPRS network 14" (Remarks, August 14, 2003, page 4, lines 4-5).

Haeggstrom also teaches methods of transmission in a GPRS network system. Specifically, Haeggstrom teaches in a GPRS network, a configuration (e.g., FIG. 2) wherein a serving GPRS support node (e.g., SGSN) is coupled to a location server (e.g., HLR, VLR) by means of a base station subsystem (e.g., at BSC, see col. 4, lines 51-54 wherein BSS comprises BSC). The teachings of Haeggstrom provide improved connection of calls between a telephone in a data network and a mobile station without using any public switched telephone network, thus achieving improved speech quality (e.g., see col. 3, line 50 – col. 4, line 19). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the configuration of Haeggstrom (i.e., coupling the serving GPRS support node to the location server by means of the base station subsystem) within the GPRS network (14) of Aarnio in order to provide improved connection of calls between a telephone in a data network and a mobile station without using any public switched telephone network, thus achieving improved speech quality.

Regarding claims 2, 7, 10, 14 and 19, Aarnio further teaches encapsulating (e.g., via conversion server 20, see col. 3, lines 8-14) the location service message (e.g., comprising digital image data) in a link control message (e.g., comprising text format) and transmitting the link control message from the GPRS support node (e.g., within GPRS network 14) to the mobile station (e.g., MS 12) in the downlink, and from the mobile station to the GPRS support node in the uplink.

Regarding claims 3, 6, 11, 15 and 18, as discussed above regarding claims 1, 5, 9, 13 and 17, while Aarnio may not specifically disclose a specific route of messages within the GPRS network, Haeggstrom teaches a base station subsystem (e.g., BSS comprising BSC and BTS) serves as an intermediary for communications between a serving GPRS support node (e.g.,

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SGSN) and a mobile station (e.g., MS). The teachings of Haeggstrom provide improved connection of calls between a telephone in a data network and a mobile station without using any public switched telephone network, thus achieving improved speech quality (e.g., see col. 3, line 50 – col. 4, line 19). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the configuration of Haeggstrom (i.e., coupling the serving GPRS support node to the location server by means of the base station subsystem) within the GPRS network (14) of Aarnio in order to provide improved connection of calls between a telephone in a data network and a mobile station without using any public switched telephone network, thus achieving improved speech quality.

Regarding claims 4, 8, 12, 16 and 20, Aarnio teaches ciphering the link control message (e.g., converting digital image data to a text format, see col. 3, lines 8-10) and deciphering the link control message (e.g., wherein the location information may be take the form of a diagram or audible message, see col. 4, lines 18-27); wherein in the downlink ciphering implicitly occurs at the GPRS support node and deciphering occurs at the mobile station, and in the uplink ciphering occurs at the mobile station and deciphering occurs at the GPRS support node.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.4750.



Justin M Philpott



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